

1 THE HONORABLE BARBARA ROTHSTEIN
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

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14 WILDWOOD TOWNHOME OWNERS
15 ASSOCIATION, a Washington Non-Profit
16 Corporation,

17 Plaintiff,

v.

18
19 AMERICAN FAMILY MUTUAL
20 INSURANCE COMPANY, S.I., a Wisconsin
21 Company; and DOE INSURANCE
22 COMPANIES 1-10,

23 Defendants.

24 No.: 2:21-cv-01080-BJR

25 STIPULATION ON MOTION TO
26 EXCLUDE EGGERT

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1 parties submit the Proposed Order set forth below. In submitting the Proposed Order neither side
2 is agreeing to the merits of the other side's position with respect to the Motion to Exclude.

3 DATED: April 7, 2023

4 Lane Powell PC

5
6 By: s/Stephania Denton
7 Stephania Denton, WSBA #21920
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9 Insurance Company, S.I.

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13 Attorneys for Plaintiff Wildwood
14 Townhomes Owners Association

ORDER

Based on the above parties Stipulation, IT IS SO ORDERED that:

- (1) Plaintiff's construction expert, Kris Eggert ("Eggert"), will not express any opinions attempting to identify the exact days that water intrusion and damage occurred based on weather data.
- (2) Eggert's opinions will not include any scientific or technical analysis of historical weather data.
- (3) Nothing in this Order is intended to prevent Eggert from testifying at trial that based upon his education, training, experience and his observations of the intrusive investigations at Wildwood that the damage that Plaintiff contends occurred at Wildwood was caused by weather/rain and that such damage at Wildwood occurred incrementally and progressively since shortly after initial construction and that new damage to sheathing and framing occurred each year after each rainy season.
- (4) AmFam's Motion to Exclude Eggert's testimony will be taken off calendar.

IT IS SO ORDERED this 10th day of April 2023.

Barbara J. Rothstein

BARBARA J. ROTHSTEIN
United States District Judge